

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 7, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, December 17, 2002.

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated December 17, 2002. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS:**

- A. Mayor Don Wesely presented Kathy Campbell with a plaque and key to the City of Lincoln/Lancaster County for her 16 years of service.
- B. Dan Nolte, Registrar of Deeds and Kelly Guenzel, Clerk of the District Court, were also recognized for their many years of service with Lancaster County.
- C. The County-City Volunteer of the Month Award was presented to Nicole Simon for her services with the Lincoln-Lancaster Women's Commission.

Item 8T was moved forward on the agenda.

8) **NEW BUSINESS:**

- T. Appointment of Jennifer Gutierrez to the Lincoln-Lancaster Women's Commission, term to expire January 1, 2004.

MOTION: Hudkins moved and Stevens seconded approval of the appointment of Jennifer Gutierrez to the Lincoln-Lancaster Women's Commission, term to expire January 1, 2004. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS CONTINUED:**

- B. Induction of Butch Hug with the University of Nebraska and Jim Tenopir with the Nebraska School Activities Association into the Star City Super Star Hall of Fame - Sandi Witkowicz, Lincoln-Lancaster Convention and Visitors Bureau.

Sandi Witkowicz, Lincoln-Lancaster Convention and Visitors Bureau, appeared and stated that Butch Hug, Assistant Athletic Director, Event Management at the University of Nebraska, was being inducted into the Star City Super Stars Hall of Fame. She explained that Hug was responsible for organizing both athletic and non-athletic events held in Memorial Stadium, Bob Devaney Sports Center, NU Coliseum and Haymarket Park. She said he also oversees the scheduling of staffing for approximately 280 events per year.

Witkowicz introduced inductee, Dr. Jim Tenopir, Executive Director of the Nebraska School Activities Association (NSAA). She explained that Tenopir has been instrumental in bringing many high school activities and sporting events to Lincoln annually with over 260,000 spectators a year.

The Clerk read a proclamation into the record.

- C. An exceptional circumstance award, in the amount of \$500, for Ken Heusinkvelt, with the County Engineering Department.

Don Thomas, County Engineer, introduced Ken Heusinkvelt and briefly explained the exceptional circumstances for which Mr. Heusinkvelt should receive the award.

3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

4) **CLAIMS FOR REVIEW:**

- A. Payment Voucher 782-2905, dated December 5, 2002. Families First and Foremost has requested payment to Wells Fargo Bus Payment Processing (VISA), in the amount of \$513.57, for a refrigerator and microwave purchased at Best Buy. (Held over from the December 17, 2002 agenda.)

MOTION: Stevens moved and Campbell seconded approval of Payment Voucher 782-2905. Heier, Workman, Campbell and Stevens voted aye. Hudkins voted no. Motion carried.

5) **CLAIMS:** Approval of all claims processed through Tuesday, January 7, 2003.

MOTION: Stevens moved and Campbell seconded approval of all claims. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

6) **PUBLIC HEARINGS:**

- A. County Final Plat 02027, Deer Trail, requested by Brian D. Carstens and Associates on behalf of Robert and Caryl Doolittle, for five lots on property generally located at Highway 77/South 12th Street and Martell Road in Lancaster County, Nebraska.

The Chair opened the public hearing.

Brian D. Carstens, representing Robert and Caryl Doolittle, appeared and reported he was there to answer any questions the Board might have.

The Chair asked if anyone else wished to provide testimony in favor, against or in a neutral position.

No one appeared and the hearing was closed.

MOTION: Hudkins moved and Heier seconded approval of County Final Plat 02027, Deer Trail. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

7) **OLD BUSINESS:**

- A. A Region V network provider contract for services under the Projects for Assistance in Transition from Homelessness (PATH). The County, through the services of the Community Mental Health Center, would provide outreach services, community mental health services and screening and diagnostic services. The term of the agreement is October 1, 2002 to September 30, 2003. The County shall be paid up to \$32,500 for the services. The County will provide up to \$10,833. (C-02-0566)

Dave Johnson, Deputy County Attorney, appeared and said the contract was held over from two weeks ago because of a clause which indicated Lancaster County must submit to the jurisdiction of Public Counsel. His recommendation to the Board was to not approve the contract.

Heier asked Johnson if he has spoke with the Attorney General's Office regarding the contract.

Johnson said he has not.

MOTION: Hudkins moved and Heier seconded to defer contract C-02-0566 until the County Attorney's Office has a chance to speak with the Attorney General's Office. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

8) **NEW BUSINESS:**

- A. An agreement with Bruce A. Stahr for moving his house located at 70th and "O" Streets to a farm in the general area of South 148th and Van Dorn Streets using County roads. Mr. Stahr is responsible for moving the house which will require the closure of a County road. There shall be no cost to the County. The term of the agreement is January 7, 2003 to February 15, 2003. (C-03-0001)

Johnson indicated he made some changes to the current agreement with regard to the moving of a house located at 70th & "O" Streets. He said under Section 3, Subsection D under Responsibilities he added a clause which reads, "If any of the conditions outlined herein are not met, the Owner shall make the County whole for any losses or damages resulting in the Owners failure to adhere to the conditions". Johnson also noted in Subsection 4 under Consideration he added the following sentences, "The County shall close any necessary County roads to provide safe transportation of the house. The County reserves the right to make any necessary changes regarding the road closure based upon the overriding concern for the public health, safety and welfare."

MOTION: Hudkins moved and Campbell seconded approval of contract C-03-0001 with the changes as outlined by the Deputy County Attorney.

8) **NEW BUSINESS CONTINUED:**

Stevens asked that the residents along 112th Street from "A" to "O" Street be notified 24 hours in advance of when the house will be parked on the road. He also indicated the Certificate of Liability Insurance expired on January 3, 2003 and he has since seen an updated copy that indicates the Liability Insurance is in effect from January 1, 2003 to January 1, 2004.

Larry Worrell, County Surveyor, appeared and said under the Special Trip Permit under Item B, it outlines notifying the residents along the streets that will be effected.

FRIENDLY AMENDMENT: Stevens moved and Hudkins seconded that notification of residents along 112th Street be part of the special provisions under the Special Trip Permit.

ROLL CALL FOR BOTH MOTIONS: Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

- B. Special Trip Permit 2293 allowing Williams Midwest House Moving, Inc. to use County roads to move a house from 70th and "O" Streets to a farm in the general area of South 148th and Van Dorn Streets. The permit requires the mover to provide proper signage. The mover has ten days from January 25, 2003 to move the house. (C-03-0002)

MOTION: Heier moved and Campbell seconded approval of contract C-03-0002.

Stevens asked for a friendly amendment to add the same clause about notifying the residences along the streets that will be effected from moving the house.

FRIENDLY AMENDMENT: Heier moved and Campbell seconded the friendly amendment to notify the residences along 112th Street 24 hours in advance of the house moving. Workman, Campbell, Hudkins and Heier voted aye. Stevens voted no. Motion carried.

Stevens also indicated the Certificate of Liability Insurance for the Special Trip Permit also expired on January 3, 2003. He has seen a renewal certificate, but it was not part of the motion that was just approved.

MOTION: Hudkins moved and Heier seconded to reconsider the previous motion. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to approve Special Trip Permit 2293 adding under the special provisions that the residents along 112th Street be notified and that the new Certificate of Insurance is included. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

8) **NEW BUSINESS CONTINUED:**

- C. An evaluation services contract with Omni Behavioral for evaluation services in a residential or non-residential setting for youth as ordered by the Separate Juvenile Court of Lancaster County. The term of the agreement is August 1, 2002 to July 31, 2003. The County shall pay \$1,096.58 for each basic evaluation. (C-03-0003)

MOTION: Heier moved and Campbell seconded approval of contract C-03-0003. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

- D. A grant contract with Nebraska Urban Indian Health Coalition for the Domestic Violence Project Coordinator who ensures the implementation of the court-referred batterers programs, support groups and services for victims of domestic violence. The term of the agreement is June 1, 2002 to May 31, 2003. The County shall make a grant in the amount of \$15,437. The grantee shall contribute \$14,682 in matching funds, which may include cash or in-kind services. (C-03-0004)

MOTION: Heier moved and Campbell seconded approval of contract C-03-0004. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

- E. An agreement with Samaritan Counseling Center to provide after hours emergency mental health services through an emergency crisis line. The County, through the Community Mental Health Center, shall provide services to clients of Samaritan Counseling Center when the Center is closed. The County shall be paid \$50 per hour and calculated per quarter hour. The term of the agreement is January 1, 2003 to December 31, 2003. (C-03-0005)

MOTION: Campbell moved and Stevens seconded approval of contract C-03-0005. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

- F. An agreement with Pepperl and McMahon-Boies Law Offices for legal representation to indigent parents and juveniles in the Separate Juvenile Court of Lancaster County pursuant to Neb. Rev. Stat. § 43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8). The County shall pay up to \$165,570 for the services. The term of the agreement is from January 1, 2003 to December 31, 2005. (C-03-0006)

MOTION: Heier moved and Stevens seconded approval of contract C-03-0006. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

8) **NEW BUSINESS CONTINUED:**

- G. An acceptance agreement with the State of Nebraska Department of Economic Development Community Development Block Grant Contract 02-ED-011, involving a special economic development activity with Archer Daniels Midland Company as the benefitted business. The term of the agreement with the State is from December 20, 2002 to December 20, 2004. The County shall be granted \$505,000 of which \$5,000 is for approved administrative and audit expenses. (C-03-0007)

MOTION: Hudkins moved and Stevens seconded approval of contract C-03-0007. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

- H. An agreement with Interactive Alliance: Connecting People, Purpose and Process to provide professional services for neutral facilitation of meetings with a focus on the goals of the Families First and Foremost program. The term of the agreement is from October 1, 2002 to July 31, 2003. The County shall pay up to \$15,000. (C-03-0008)

MOTION: Heier moved and Campbell seconded approval of contract C-03-0008. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

- I. An end-user license for the Basis-32, which is used at the Crisis Center and will allow staff to score and receive reports regarding patients. The County shall pay \$300 to be a registered user and \$200 for web scoring. The license and access are good through September 30, 2003. The agreement is with The McLean Hospital Corporation. (C-03-0009)

MOTION: Hudkins moved and Stevens seconded approval of contract C-03-0009. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- J. An amendment to County contract C-02-0491 with Lincoln Interfaith Council for professional services to provide care coordination using the wraparound process for youth. The term of the agreement shall be lengthened to July 30, 2003 and the compensation shall be decreased to \$17,875. All other terms and conditions shall be in full force and effect. (C-03-0010)

MOTION: Campbell moved and Hudkins seconded approval of contract C-03-0010. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

- K. An amendment to County contract C-02-0483 with the Asian Community Center for professional services to provide care coordination using the wraparound process for youth. The term of the agreement shall be lengthened to July 30, 2003 and the compensation shall be increased to \$35,750. All other terms and conditions shall be in full force and effect. (C-03-0011)

8) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Campbell seconded approval of contract C-03-0011. Stevens, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

- L. Second Amendment to an agreement with Hayes & Associates. The original agreement was executed on February 24, 1998, for the performance of the annual external audit of all County funds and Officers required by Neb. Rev. Stat. §23-1608 to §23-1610. The second amendment provides for additional compensation in the amount of \$1,000.00, which is for the provision of additional services for the purpose of a final accounting of the Register of Deeds Office. All other terms and conditions shall remain in full force and effect. (C-03-0021)

Dave Johnson, Deputy County Attorney, appeared and indicated the fees for the services are actually \$1,133 plus the potential for an additional \$100. He also asked that the 2nd paragraph be changed to read, "Our previous communications, i.e., our original proposal to you and the subsequent contracts with Lancaster County, outline our basic responsibility when conducting an audit under the applicable standards."

MOTION: Hudkins moved and Stevens seconded approval of contract C-03-0021 with the substituted amounts of up to \$1,233 and with the provisions the Deputy County Attorney outlined. Workman, Hudkins, Campbell and Hudkins voted aye. Motion carried.

- M. A resolution in the matter of Chief Deputy annual salary increases for the 2003 calendar year. (R-03-0001)

MOTION: Campbell moved and Heier seconded approval of resolution R-03-0001. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

- N. A resolution approving the real estate agreement for the acquisition of property located at 720 South 8th Street. The money for the acquisition shall come from the bonds for the new parking garage. The cost of the acquisition is \$51,800. (R-03-0002)

MOTION: Campbell moved and Stevens seconded approval of resolution R-03-0002. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

- O. An agreement with Cole Layer Trumble Company for the support and maintenance of the OASIS software purchased for the County Assessor's Office. The term of the agreement is January 1, 2003 to December 31, 2003. The County will pay \$51,975 for the services. (C-03-0020)

MOTION: Hudkins moved and Stevens seconded approval of contract C-03-0020. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

8) **NEW BUSINESS CONTINUED:**

- P. A political subdivision tort claim filed against the Corrections Department by Larry Harrington for lost property.

MOTION: Heier moved and Campbell seconded to accept the Director's recommendation and deny a political subdivision tort claim filed against Corrections by Larry Harrington. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- Q. Recommendation from the Purchasing Agent and the County Engineer to award a bid to LCL Truck Equipment Inc., in the amount of \$108,260, for four truck bodies with various attachments to be installed on new truck bodies. (B-03-0001)

MOTION: Hudkins moved and Campbell seconded approval of bid B-03-0001. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

- R. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Stutheit Implement, in the amount of \$95,642, for two tractors with rotary side mount mowers. (B-03-0002)

MOTION: Hudkins moved and Stevens seconded approval of bid B-03-0002. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

- S. Appointment of Norm Agena to the Lancaster County Sheriff's Merit Commission, beginning January 1, 2003 and ending December 31, 2006.

Terry Wagner, County Sheriff, appeared and indicated the term is actually from January 1, 2003 to December 31, 2005.

MOTION: Campbell moved and Stevens seconded approval of the appointment of Norm Agena to the Sheriff's Merit Commission, beginning January 1, 2003 and ending December 31, 2005. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

- T. Appointment of Jennifer Gutierrez to the Lincoln-Lancaster Women's Commission, term to expire January 1, 2004.

This item was previously approved.

9) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. Lancaster County Weed Control Authority's Monthly Report for November, 2002.
2. Lancaster County Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for November, 2002.
3. Lincoln City Libraries Monthly Report for November, 2002.
4. County Clerk's Monthly Report for December, 2002.

B. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan, having met the requirements:

- * Renee Salava, an employee at Lancaster Manor
- * Michelle Savelkoul, an employee in the Corrections Department
- * Cathy J. Meyers, an employee in the County Attorney's Office
- * Barbara M. Loschen, an employee in the County Engineering Department

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- * Gary Blomstrom, in the total amount of \$1,448.05, at 128th Street and Agnew Road; Project BR-3380(4). (2 contracts) (C-03-0012 and C-03-0013)
- * Ruth Johnson, in the total amount of \$446.25, at 128th Street and Agnew Road; Project BR-3380(4). (2 contracts) (C-03-0014 and C-03-0015)
- * Ruth Bouma, in the total amount of \$114,971.25, at 8145 Firth Road; Project C55-X-402(5). (2 contracts) (C-03-0016 and C-03-0017)
- * Norris Public School at 25211 South 68th Street. This is a donation. (C-03-0018)
- * PCS Land Company, in the amount of \$146.24, at 6745 Van Dorn Street; Project C55-Q-407(1). (C-03-0019)

MOTION: Hudkins moved and Campbell seconded approval of the Consent Items. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

10) **EMERGENCY ITEMS AND OTHER BUSINESS:**

Bob Valentine appeared and requested the County Board to look into a police investigation to find out where Lancaster County Event Center's monies are going.

The County Board noted the Staff Meeting will start at 9 a.m. instead of 10 a.m. as stated in the agenda.

11) **ADJOURNMENT:**

MOTION: Campbell moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:30 p.m. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 7, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
David Johnson, Deputy County Attorney
Norm Agena, County Assessor
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Melissa Koci, County Clerk's Office

The Board of Equalization meeting was convened at 2:47 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, December 17, 2002.

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated December 17, 2002. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

Kathy Campbell was recognized by several Department Heads and Elected Officials from both Lancaster County and the City of Lincoln.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 82 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Stevens moved and Campbell seconded approval of 82 additions and deductions to the tax assessment rolls. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Blessed Sacrament School
BryanLGH Medical Center
Christian Heritage Children's Homes
Christian Record Services, Inc.
City Impact
Lincoln Action Program Inc.
Nebraska Wesleyan University
St. Joseph Catholic Church/School of Lincoln
Salvation Army
Temple Baptist Church
Transfiguration

MOTION: Heier moved and Campbell seconded approval of the motor vehicle tax exemptions.

Stevens noted Christian Heritage Children's Homes has five vehicles. He also suggested a friendly amendment that BryanLGH Medical Center vehicle is subject to being titled and registered by the applicant.

On call: Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

Setting of a public hearing for Tuesday, January 21, 2003 immediately following the regular Board of Commissioners meeting in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a notice of valuation change for omitted or undervalued property for James Krupicka.

MOTION: Campbell moved and Stevens seconded to set a public hearing Tuesday, January 21, 2003 regarding a notice of valuation change for omitted or undervalued property for James Krupicka. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

Paula J Kort

MOTION: Hudkins moved and Stevens seconded approval of notice of valuation change for omitted or undervalued property for Paula J. Kort. Heier, Stevens, Workman, Campbell and Hudkins voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Campbell moved and Stevens seconded adjournment of the Board of Equalization meeting at 3:35 p.m. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk